Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

REMARKS

The Examiner is thanked for the performance of a thorough search.

Claims 1-6, 13-20, 22-25, 39, 42-44, 48-61, 63-66, and 69 have been amended. Claims 21 and 62 have been canceled. No claims have been added. Hence, Claims 1-6, 13-20, 22-25, 39-44, 48-61, and 63-69 are pending in the present application.

I.   SUMMARY OF TELEPHONE INTERVIEW

The Examiner is thanked for granting the courtesy of a telephone interview on August 8, 2008. Examiner Tran and Applicant's representatives Brian D. Hickman and Stoycho D. Draganoff attended the interview. Claims 1 and 13 and proposed amendments thereof were discussed. An agreement regarding patentability was not reached.

The Applicant's representatives provided a description of the subject matter covered by Claims 1 and 13. Proposed amendments to Claims 1 and 13 were then discussed, and the Applicants' representative described how Claims 1 and 13 are different over the cited art. The Examiner indicated that the proposed amendments would be considered after they are officially submitted, and that an updated search may be required.

II.   ISSUES RELATING TO THE CITED ART

A.   INDEPENDENT CLAIM 1

The final Office Action of May 23, 2008 rejected Claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over Fry, U.S. Patent Application Publication No. US 2003/0159112 ("FRY") in view of Sijacic et al., U.S. Patent Application Publication No. US 2002/0184145

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

("SIJACIC"). The Advisory Action mailed August 11, 2008 maintained this rejection. The

rejection is respectfully traversed.

Claim 1 comprises the features of:

while an XML processor is performing a validation operation on an XML-based input
stream, **wherein the XML processor is configured to send validated XML
data to an application,** performing the steps of:
**while validating a particular XML element in said XML-based input
stream,** performing the computer-implemented steps of:
**said XML processor receiving a request for particular information
relating to said validation operation,** wherein said request
includes at least one of:
... ;
**said XML processor generating one or more messages that include
said particular information;** and
said XML processor responding to said request for said particular
information **by providing said one or more messages.**

Thus, Claim 1 comprises the features of: **while an XML processor is performing a validation**

operation on an XML-based input stream, and **while validating a particular XML element**

in said XML-based input stream, the XML processor performing steps that comprise: (1)

receiving a request for particular information relating to said validation operation; (2)

generating one or more messages that include said particular information; and (3)

responding to said request for said particular information **by providing said one or more**

messages. It is respectfully submitted that these features of Claim 1 are not described or

suggested by FRY and SIJACIC.

The Advisory Action mailed August 11, 2008 seems to assert that SIJACIC describes

the features of Claim 1 of while validating a particular XML element in said XML-based input

stream, the XML processor receiving a request for particular information relating to said

validation operation, and ... responding to said request for said particular information by

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

providing one or more messages that include said particular information. This assertion is incorrect.

In general, SIJACIC describes a system that is operable to process messages in XML format. (See SIJACIC, paragraph [0009].) For example, an XML servlet is used in conjunction with a billing process that collects request messages, which have been converted into XML format usable by the XML servlet and which include a tag indicating the required format for a response message. (See SIJACIC, paragraph [0010].) The XML servlet may validate a request message to ensure that the message conforms to a Document Type Definition (DTD). **After** being validated, the request message **is parsed** and converted into a DOM, and is then passed to the billing process. The billing process produces a response, which is converted into a DOM and is then transformed into a response message that has the format indicated by the tag in the corresponding request message. (See SIJACIC, paragraph [0011].)

Significantly, however, SIJACIC does not describe or suggest **receiving** requests **and responding** to the requests with messages that are generated **WHILE** an XML element from an XML stream is **BEING** validated, as featured in Claim 1. At most, SIJACIC describes an XML servlet that is operable to validate that a request message conforms to some XML format that is described in a DTD. However, SIJACIC does **NOT** describe that the XML servlet is capable of **receiving** requests for information **relating to the validation operation**, and **responding** to the requests **WHILE** the request message **is being validated**. (See, for example, SIJACIC, Figs. 5-6 and paragraphs [0058]-[0059].) Rather, SIJACIC clearly describes that the validation logic in the XML servlet ensures that a request message conforms to a particular DTD and includes data that is in the correct locations, context, and comprises correct information; if the request message does not conform to the DTD, the request message is

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

denied processing. (See SIJACIC, paragraph [0060].) Thus, the validation logic in SIJACIC's

XML servlet is basically used **only** to make a determination about the validity of a request

message. Significantly, however, this use of the validation logic in SIJACIC does not (and does

not even need to!) **receive** requests for information **about the validation** and **respond** to any

such requests **while** a determination about the validity of a request message is being made.

In contrast, Claim 1 comprises the feature of **while** an XML processor **is performing a**

validation operation on an **XML-based input stream ...,** the XML processor **receiving a**

request for particular information relating to said validation operation, and ... **responding**

to said request for said particular information by providing one or more messages that

include said particular information. It is quite clear that this feature of Claim 1 does not and

cannot possibly correspond to a validation logic that can only make a determination about the

validity of a request message, as described in SIJACIC. For this reason, SIJACIC does not

describe the above feature of Claim 1.

Further, Claim 1 includes the feature of **while validating a particular XML element** in

said XML-based input stream, the XML processor receiving a request for particular information

relating to said validation operation, ... and **generating one or more messages that include**

said particular information. The final Office Action mailed May 23, 2008 asserts that

SIJACIC describes this feature of Claim 1. This assertion is incorrect.

As discussed above, in paragraph [0060] SIJACIC clearly describes that the validation

logic in the XML servlet ensures that a request message conforms to a particular DTD and

includes data that is in the correct locations, context, and comprises correct information. If the

request message does not conform to the DTD the request message **is denied** processing, while

a valid request message may be further processed by an XML DOM API that uses an XML

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

parser to produce a DOM corresponding to the request message. (See SIJACIC, paragraphs [0061]-[0062].) Significantly, however, SIJACIC does **NOT** describe that the XML servlet **generates** any messages that include **information** relating **to the validation** of the request message. Rather, the XML servlet simply passes the same received request message to the XML DOM API for further processing if that request message is valid. (See SIJACIC, paragraphs [0061]-[0062].)

In contrast, Claim 1 comprises the feature of **while validating a particular XML element** in said XML-based input stream, the XML processor receiving a request for particular information relating to said validation operation, … and generating one or more messages that include said particular information.

For the foregoing reasons, FRY and SIJACIC do not describe or suggest all features of Claim 1. Thus, Claim 1 is patentable under 35 U.S.C. § 103(a) over FRY in view of SIJACIC. Reconsideration and withdrawal of the rejection of Claim 1 is respectfully requested.

B.   INDEPENDENT CLAIM 39

Claim 39 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over FRY in view of SIJACIC.

Claim 39 includes features similar to the features of Claim 1 discussed above. Thus, Claim 39 is patentable under 35 U.S.C. § 103(a) over FRY in view of SIJACIC for at least the reasons given above with respect to Claim 1.

In addition, Claim 39 includes the feature of **a validator** that comprises **a state machine that receives and responds to requests** for particular information associated with an element in said XML-based input stream, **while validating said element**. The final Office

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

Action and the Advisory Action assert that in paragraphs [0034] and [0058]-[0062] SIJACIC describes a validator that comprises a state machine. This assertion is incorrect.

In paragraph [0034] SIJACIC describes a process manager that is included in an electronic invoice presentment and payment (EIPP) server. The process manager is a workflow process that manages routing of workflow through a predetermined process, such as a billing process. Significantly, however, the process manager in the EIPP server of SIJACIC does not perform any validation of request messages. Further, SIJACIC does not describe or suggest that the process manager comprises a state machine. Thus, the process manager in SIJACIC does not correspond to the validator featured in Claim 39.

In paragraphs [0058]-[0062] SIJACIC describes processes performed by an XML servlet that validates a request message to ensure that the message conforms to a Document Type Definition (DTD). As illustrated in Fig. 5 of SIJACIC, the XML servlet may include an XML listener, an input XML DOM, a dispatcher, one or more handlers, one or more billing manager interfaces, a response handler, an output XML DOM, and a transformer. Significantly, however, **NONE** of the components of the XML servlet comprises a state machine. Specifically, while the XML listener may include a validation logic, SIJACIC does not describe or suggest that this validation logic includes a state machine.

In contrast, Claim 39 includes the feature of **a validator** that comprises **a state machine that receives and responds to requests** for particular information associated with an element in said XML-based input stream, **while validating said element**. Thus, for the foregoing reasons, FRY and SIJACIC do not describe or suggest all features of Claim 39. Thus, Claim 39 is patentable under 35 U.S.C. § 103(a) over FRY in view of SIJACIC. Reconsideration and withdrawal of the rejection of Claim 39 is respectfully requested.

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

C.   INDEPENDENT CLAIM 48

Claim 48 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over FRY in view of SIJACIC.

Claim 48 includes features similar to the features of Claim 1, except in the context of a computer-readable medium. Thus, Claim 48 is patentable under 35 U.S.C. § 103(a) over FRY in view of SIJACIC for at least the reasons given above with respect to Claim 1. For this reason, reconsideration and withdrawal of the rejection of Claim 48 is respectfully requested.

D.   DEPENDENT CLAIMS 2-6, 13-20, 22-25, 40-44, 49-61, AND 63-69

Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over FRY in view of SIJACIC.

Each of Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 depends from one of independent Claims 1, 39, and 48 and thus includes each and every feature of the independent base claim. Thus, each of Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 is allowable for the reasons given above for Claims 1, 39, and 48. In addition, each of Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 introduces one or more additional features that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time. Therefore, it is respectfully submitted that Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 are allowable for the reasons given above with respect to Claims 1, 39, and 48. Reconsideration and withdrawal of the rejections of Claims 2-6, 13-20, 22-25, 40-44, 49-61, and 63-69 is respectfully requested.

Ser. No. 10/798,474 filed 03/10/2004
Scardina et al – GAU 2176 (Tran)
Submission in Support of RCE

III.   CONCLUSION

The Applicants believe that all issues raised in the final Office Action and the Advisory

Action have been addressed. Further, for the reasons set forth above, the Applicants

respectfully submit that allowance of the pending claims is appropriate. Entry of the Request

for Continued Examination (RCE) filed concurrently herewith, and reconsideration of the

present application is respectfully requested in light of the remarks herein.

The Examiner is respectfully requested to contact the undersigned by telephone if it is

believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed,

is hereby made. If applicable, a law firms check for the petition for extension of time fee is

enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of

this application, the Commissioner is hereby authorized to charge any applicable fees and to

credit any overpayments to our Deposit Account No. 50-1302.

> Respectfully submitted,
>
> HICKMAN PALERMO TRUONG & BECKER LLP

Dated: August 21, 2008   /StoychoDDraganoff#56181/
                                        Stoycho D. Draganoff
                                        Reg. No. 56,181

2055 Gateway Place, Suite 550
San Jose, California   95110-1089
Telephone No.: (408) 414-1080 ext. 208
Facsimile No.: (408) 414-1076